

IN RE: PETITION FOR ZONING VARIANCE
NE/S Gunder Avenue, 290' SE
of the c/l of Cherwin Avenue
(6914 Gunder Avenue)
15th Election District
5th Councilmanic District
Robert J. Maddox, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-481-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory building height of 22 feet in lieu of the maximum permitted height of 15 feet for a proposed three-car garage, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as a Protes- tant/Interested Party was Louise Higgins, a resident of the area.

Testimony indicated that the subject property, known as 6914 Gunder Avenue, consists of .33 acres zoned D.R. 5.5 and is located within the Chesapeake Bay Critical Areas near the Gunpowder River. Said property is improved with a single-family dwelling which has been Petitioners' residence for the past several years. Petitioners have commenced construc- tion of a three-car garage in the location as set forth in Petitioner's Exhibit 1. Testimony indicated the height proposed for the garage is necessary to provide for needed storage space on the second level. Peti- tioners testified that due to their present home not having an attic or basement, the size and height proposed for the building are necessary to provide much needed storage space for both outdoor and personal items which are generally stored in a basement or attic. Mr. Maddox testified the location proposed for the garage was selected due to his neighbors' dwelling being close to the property line on the opposite side.

Mrs. Higgins appeared and testified in opposition to Petitioner's request. Mrs. Higgins lives on Birdwood Road and testified she is opposed to the variance as it infringes upon her view of the water from her proper- ty. To support her position she introduced a picture which has been marked Protestants' Exhibit 2. The Petitioners' project abuts Powderdale Place, as set forth in Protestants' Exhibit 1, which testimony indicated is a public right-of-way to Gunpowder River. As noted and clearly seen in Protestants' Exhibit 2, the construction of any garage, even one with the height permitted as of right, will block a portion of the view the Protes- tant has enjoyed over the past number of years.

The Petitioners contend that the granting of the variance will not infringe upon the Protestant's view any more than building a garage with a 15-foot height as permitted. Mr. Maddox further testified the variance will permit him to construct the building with a roofline very similar to his dwelling which he believes will be more compatible and aesthetically pleasing to the neighborhood.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient- ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc- tures located within the Chesapeake Bay Critical Areas of Baltimore Coun- ty.

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ty; that to deny the relief requested would result in practical difficul- ty, unreasonable hardship, or severe economic hardship upon the Petition- er; and that strict compliance with the Chesapeake Bay Critical Area re- quirements and the B.C.Z.R. would deprive the Petitioner of rights common- ly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures with- in the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from struc- tures or conveyances or that have run off from sur- rounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

- 3 -

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evi- dence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protec- tion and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of June, 1989 that the Petition for Zon- ing Variance to permit an accessory structure building height of 22 feet in lieu of the maximum permitted height of 15 feet for a proposed three- car garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are condi- tions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; howev- er, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order is reversed, the if, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon- sible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated May 9, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Maddox Property - Item 342
6914 Gunder Avenue
Chesapeake Bay Critical Area Findings

DATE: May 9, 1989

RECEIVED
MAY 19 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 6914 Gunder Avenue in Harwood Park. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Robert J. Maddox

APPLICANT'S PROPOSAL

The applicant is requesting a zoning variance "to permit a three car garage with a height of 22 feet in lieu of the maximum 15 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve a fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Mr. J. Robert Haines
April 25, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed garage will not increase the sum of impervious areas to exceed 15% of the lot.

2. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing the flow to single discharge points" <Baltimore County Code, Sec. 22-217(a)(2)>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff from the proposed garage shall be directed through down-spouts and into a seepage pit or Dutch drain to encourage maximum infiltration (see attached information).
- c. Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

3. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 22-213(a)>. "The natural vegetation occurring in the buffer shall remain undisturbed" <Baltimore County Code Section 22-213 (d)>.

Finding: The proposed garage is located 230 feet away from the mean high water line of tidal waters and will not disturb the natural vegetation occurring in the buffer. This natural vegetation must remain undisturbed.

Mr. J. Robert Haines
April 25, 1989
Page 3

4. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Sec. 22-212(a)>.

Finding: A review of this site and the surrounding areas did not discover any tidal or non-tidal wetlands. This proposed garage will therefore not impact any tidal or non-tidal wetlands or impact any buffer areas associated with wetlands.

Upon compliance with the above requirements, this project will be approved. Please contact M. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Baltimore, Maryland 21220
(301) 887-5553

J. Robert Haines
Zoning Commissioner

June 14, 1989

Mr. & Mrs. Robert J. Maddox
6914 Gunder Avenue
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
NE/S Gunder Avenue, 290' SE of the c/l of Cherwin Road
(6914 Gunder Avenue)
15th Election District - 5th Councilmanic District
Robert John Maddox, et ux - Petitioners
Case No. 89-481-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor- able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mrs. Louise Higgins
6904 Birdwood Avenue, Baltimore, Md. 21220

People's Counsel
Chesapeake Bay Critical Areas Commission
File
DEPRM

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-481-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 89-481-A to permit an accessory building.

(3-car garage) height of 22' in lieu of the maximum 15'.

Storage space above the garage is needed to store various household items, and lawn and garden equipment as my house has no basement or attic.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance arising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:	Legal Owner(s):	MAP 156-90
(Type or Print Name)	Robert John Maddox	5B
Signature	Robert John Maddox	154
Address	Delores J. Maddox	3-19-90
City and State	Delores J. Maddox	156
Attorney for Petitioner:	6914 Gunter Ave. 21204	CP
(Type or Print Name)	Address	
Signature	Baltimore, MD 21220	
Address	City and State	
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
Attorney's Telephone No.	Name	
	Address	
	Phone No.	

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of May 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

April 18, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-481-A
NES Gunter Avenue, 290' SE c/l Cherwin Avenue
6914 Gunter Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Robert John Maddox, et ux
HEARING SCHEDULED: FRIDAY, MAY 26, 1989 at 2:00 p.m.

Variance to permit an accessory building (3 car garage) height of 22 ft. in lieu of the maximum 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Maddox
File
Chesapeake Bay Critical Area Commission

ZONING DESCRIPTION

BEING known and designated as Lots 65 and 66 on the plat of the tract of land known as Twin River Beach, Section A, which plat is recorded among the Plat Records of Baltimore County in Plat Book No. 7, Folio 51. The improvements thereon being known as 6914 Gunter Avenue.

Being the same lots of gr 11 which by Deed dated June 22, 1971, and recorded among the Land Records of Baltimore County in Liber 5195, folio 810 was granted and conveyed by Eugene L. Pfeiffer unto the aforesaid grantors.

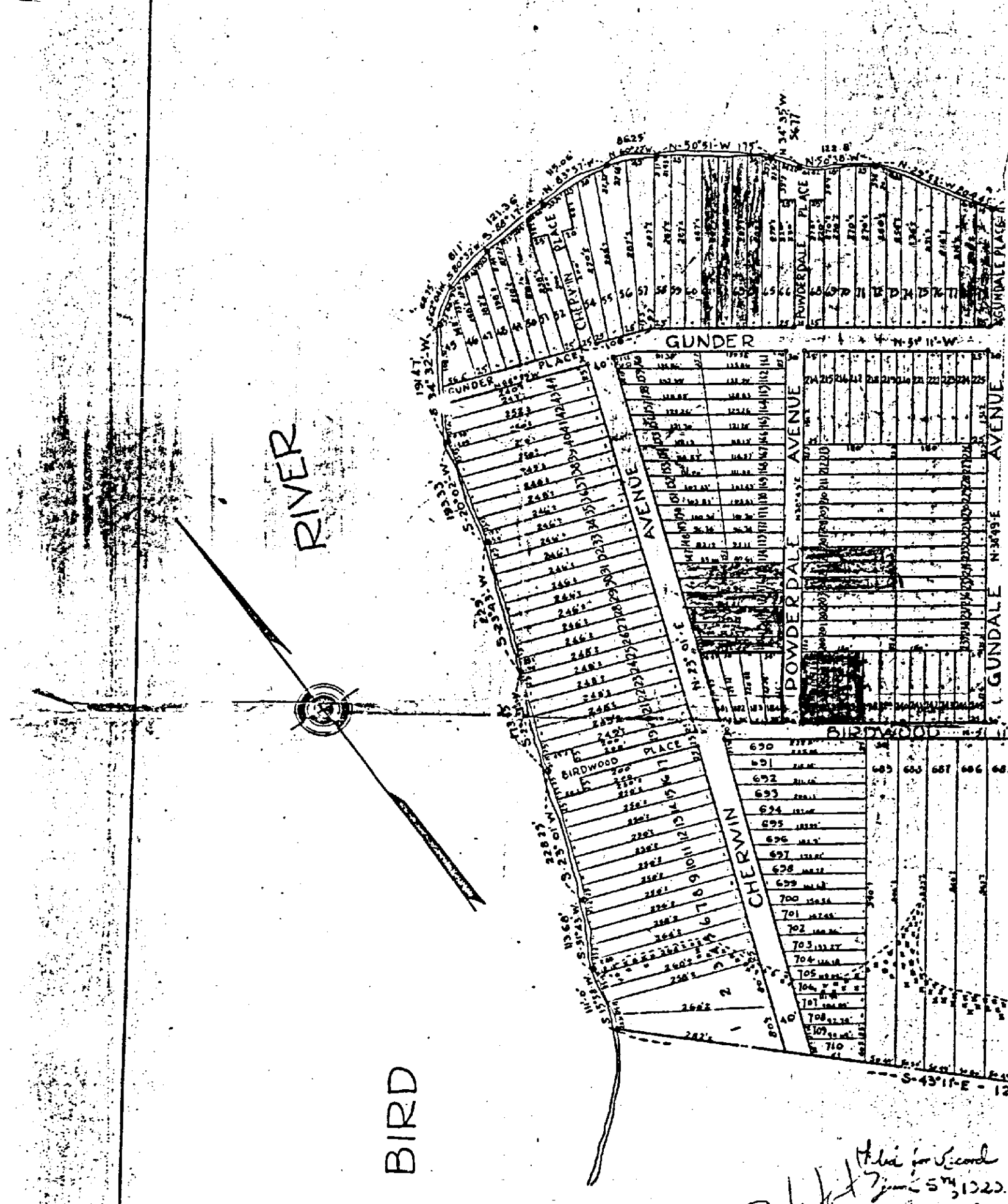
CERTIFICATE OF PUBLICATION

TOWSON, MD., May 4, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County Md., appearing on May 4, 1989.

THE JEFFERSONIAN,
S. Zabe Olson
Publisher

PO12026
reg 1128930
89-481-A

GUNPOWDER



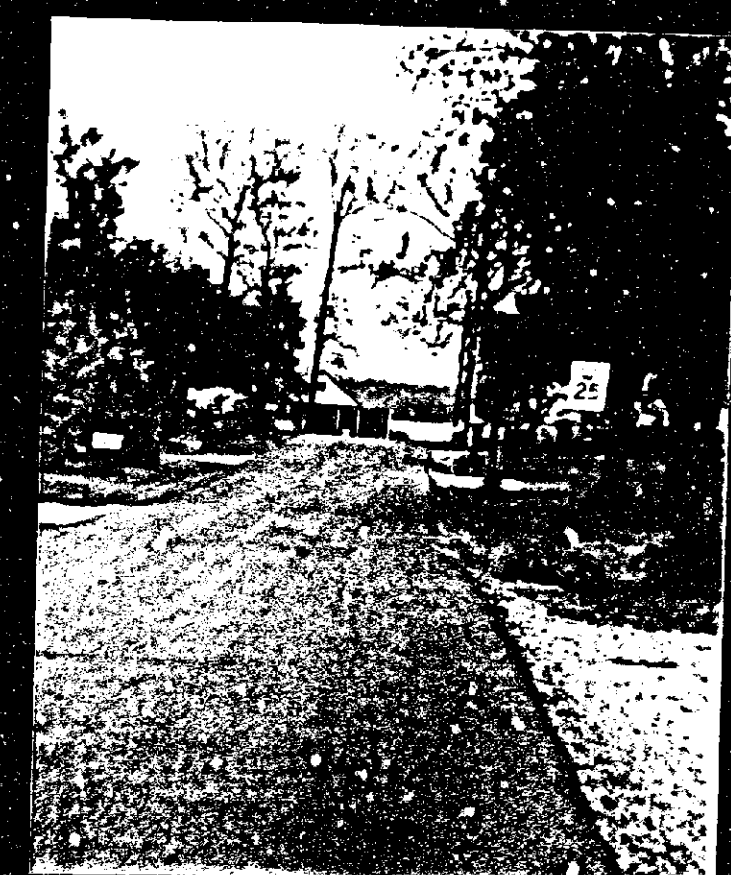
SECTION A
TWIN RIVER BEACH
SUBDIVIDED BY
CITYCO REALTY CO.
7 St. Paul St. BALTIMORE, MD.
SCALE 1"=100' JUNE 1923
REVISED APRIL 7, 1929

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 5/18/89
Posted for: Variance
Petitioner: Robert John Maddox, et ux
Location of property: 6914 Gunter Ave. 21204
Location of Sign: 6914 Gunter Ave. 21204
Remarks: None
Posted by: J. Robert Haines Date of return: 5/18/89
Number of Signs: 1

The Times, Inc.
9606 Belair Road
Baltimore, Maryland 21236
PUBLISHED BY THE SHIELD PRESS INC.
Best Advertising Medium
Subscription Rates: In County \$6.50 Per Office Outside of Maryland \$7.50
PHONE: 687-4224
Baltimore County Maryland
Office of Finance
Room 153 Court House
Towson, MD. 21204-4665
FAX: 687-4224
TEL. NO. 687-4224
ORDERED BY: S.C. Pettitt Robert John Maddox
REQ N 28931

The Times
Md., May 4, 1989
This is to Certify, That the annexed
in Baltimore County, once in each
he 4th day of May 1989
Publisher.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Date: 5/18/89

Mr. & Mrs. Robert John Maddox
6914 Gunter Avenue
Baltimore, Maryland 21220

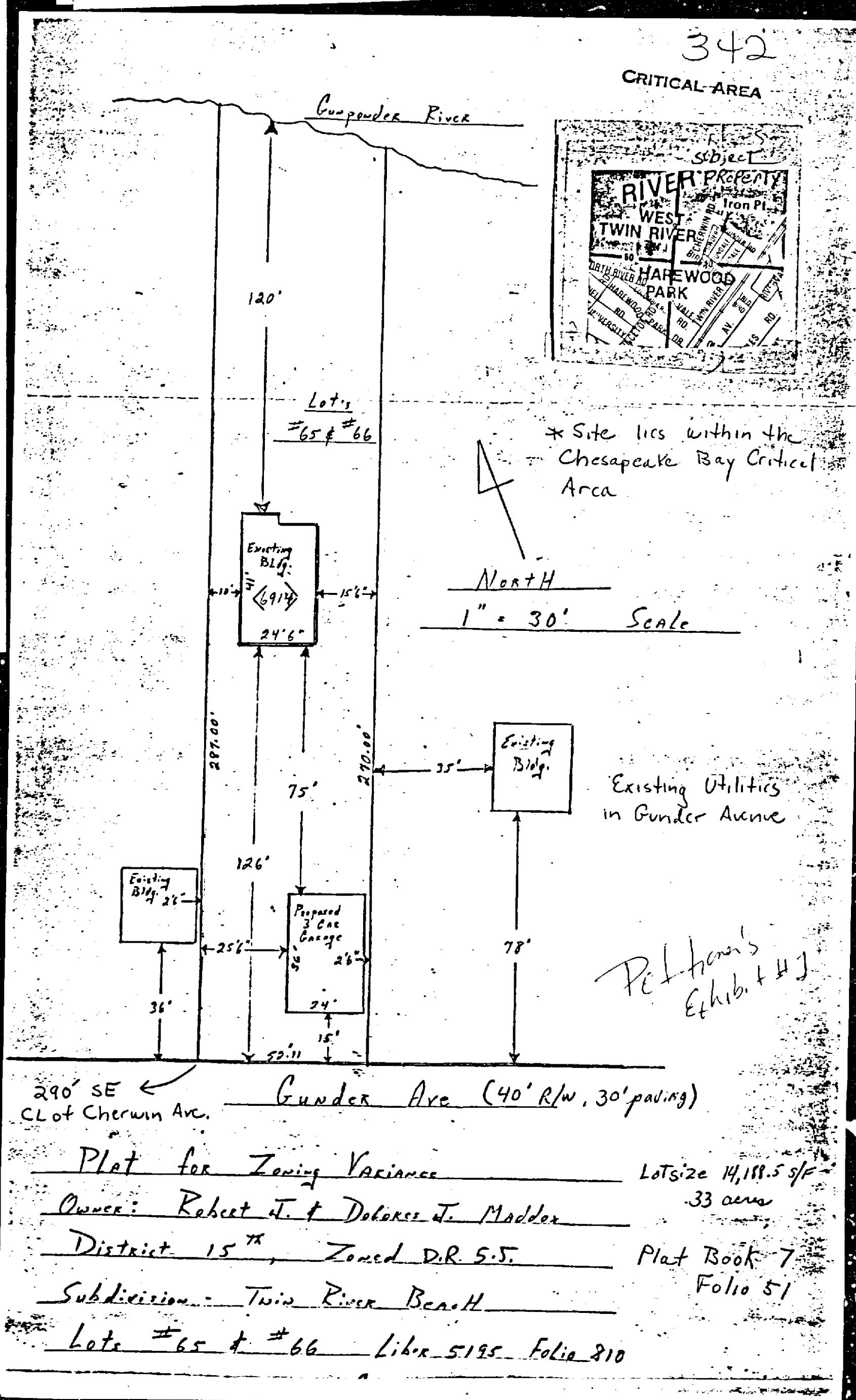
Re: Petition for Zoning Variance
CASE NUMBER: 89-481-A
NES Gunter Avenue, 290' SE c/l Cherwin Avenue
6914 Gunter Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Robert John Maddox, et ux
HEARING SCHEDULED: FRIDAY, MAY 26, 1989 at 2:00 p.m.

Dear Petitioners:
Please be advised that \$100.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 5-18-89 ACCOUNT: 111-105-0000
AMOUNT: \$100.00
RECEIVED FROM: Robert John Maddox
FOR: Petition for Zoning Variance
B. BILL# 111-105-0000
VALIDATION OR SIGNATURE OF CASHIER
WAVE: CASHIER PINK: AGENT YELLOW: CUSTOMER



39-431-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Robert J. Maddox, et ux Received by: James E. Dyer
Chairman, Zoning Plans
Attorney: _____ Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

Mr. & Mrs. Robert Maddox
4914 Gunder Avenue
Baltimore, MD 21220

RE: Item No. 342, Case No. 89-481-A
Petitioner: Robert J. Maddox, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Maddox:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION: JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 28, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic has no comments for items number 289, 291, 316, 333, 334, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 351, 356, and 357.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/ls

RECEIVED
APR 29 1989

ZONING OFFICE

Baltimore County
Fire Department
Baltimore County Office Building
Towson, Maryland 21204
454-4500

Paul H. Reincke

Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Robert John Maddox, et ux

Location: NE/S of Gunder Avenue

Item No.: 342

Zoning Agenda: February 28, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Brady* 7-17-89
NOTED & APPROVED: *John J. Brady*
Planning Group
Special Inspection Division

/s/

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

Case 89-431-A

PERMIT #: B007879 CONTROL #: MR DIST: 15 PREC: 06
DATE ISSUED: 03/14/89 TAX ACCOUNT #: 1516300050 CLASS: 34

PLANS: CONST PLOT 3 R PLAT DATA ELEC NO PLUM NO
LOCATION: 4914 GUNDER AVE
SUBDIVISION: TWIN RIVER REACH

OWNERS INFORMATION
NAME: MADDOX, ROBERT & DOLORES
ADDR: 4914 GUNDER AVE

TENANT: OWNER
CONTR: OWNER
ENGR: _____
SELLR: _____
WORK: CONSTRUCT 3 CAR DETACHED GARAGE ON REAR OF PROPERTY. GRD EL 7.0 FED FL FL 10.2 LOW FIN FL EL 11.2 ELEVATION CERTIFICATE

RLDG. CODE: BOCA CODE OWNERSHIP: PRIVATELY OWNED
RESIDENTIAL CATEGORY:

ESTIMATED \$ PROPOSED USE: SAME & GARAGE
8,000 EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE:

FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 052/050X270/287
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 25/2'
SIDE STR SETB:
NEAR SETB: 15

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 26, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED
MAY 4 1989

ZONING OFFICE

Case No. 89-481-A
Item No. 342

The Petitioner request a variance to a garage height of 22 feet in lieu of the permitted 15 feet for the purpose of constructing a detached garage with a second story storage area. In reference to this request, staff offers the following comment:

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

A:52689.txt Pg.2

Chapter 4

Rainy Day Blues

How rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or broken septic systems. Solving the problems associated with surface water runoff and poorly drained soil is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off, often eroding yards and destroying plants. Much of the soil washed off vacant lots and lawns is carried into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drainage ways.

Dealing with Surface Runoff

On large tracts of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a

downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the house, you should regrade the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can regrade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to a seasonally high water table, soil having a high clay content or a clay hardpan beneath the surface, and low-lying soil that receives runoff from a large land area may not have sufficient infiltration capacity.

When you try to retain runoff in these situations, the soil will rapidly become saturated, and rainfall that should filter down through the soil will collect on the surface and either create health, safety, and use problems or move across the surface as excess runoff.

Be on the lookout for small wet patches in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Plant growth is usually poor in these areas and erosion often occurs. Filling these pockets with topsoil and seeding them with grass will usually solve the problem by letting water flow on its natural path.

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to move it to a less used area of the yard around shrubs or trees, for example, by installing a swale to carry the water across the yard. Plant the new

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Installing Infiltration Devices

The installation of various infiltration devices can enhance infiltration even on sites with well-drained soils. It is important to remember that surface runoff cannot infiltrate soils that are at or past their saturation point (by virtue of depth to water table or bedrock), contain a high percentage of clay, or rest on a clay hardpan. Under these conditions, surface runoff cannot infiltrate the soil even with an infiltration device.

Using berms and swales, you can speed site infiltration by channeling surface runoff into a gravel-filled seepage pit, a Dutch drain (see illustration), or a gravel-lined detention basin. You can also spread runoff over the land surface by using a series of terraces or runoff graders, which promotes greater infiltration by fan-shaped pattern across a vegetated land surface. Seepage pits, gravel-lined recharge basins, and terraces lose their effectiveness as infiltration devices when the land surface is clogged with clay, silt, or fine sand particles. Infiltration devices for large parcels of land are often constructed along with sediment traps, basins, or grassed sediment filters. These traps and filters remove fine particles from runoff before they reach the infiltration device. Sediment traps are less critical for most residential lots; most homeowners can use a system of swales or basins leading to the infiltration device as a sediment filter.

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WHAT YOU CAN DO

There are many ways you can improve drainage in your yard. Most of these suggestions are inexpensive, practical, and easy to implement. You can reduce surface runoff if you:

- Install gravel trenches along driveways or patios to collect water and allow it to filter into the soil (trenches should be at least 12 inches wide and 3 feet deep)
- Resod bare patches in your lawn as soon as possible to avoid erosion
- Grade all areas away from your house at a slope of one percent or more
- Use a grass swale (a low area in the lawn) to move water from one area to another
- Plant shrubs and trees to promote infiltration (see chapter on landscaping)

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